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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Reed Timmer,

Plaintiff,

v.

Speed Engineering & Performance
Corporation,

Defendant.

Case No:

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT
UNDER 17 U.S.C. §501**

JURY TRIAL DEMAND

Plaintiff Reed Timmer (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against defendant Speed Engineering & Performance Corporation (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Plaintiff created a video of hail destroying a vehicle (the “*Video*”) in which Plaintiff owns the rights and licenses for various uses including online and print publications.

1 3. Upon information and belief, Defendant is a well-known name in the
2 aftermarket performance parts industry specializing in a vast array of products for
3 the LS and LT engine platforms. Defendant also manufactures parts and has released
4 several new lines of unique products for its customers.

5 4. In furtherance of its business, Defendant owns and operates an
6 Instagram Account with the name @speedengineering (“*Account 1*”) which has
7 170,000 followers.

8 5. Defendant owns and operates a Facebook Account with the name Speed
9 Engineering (“*Account 2*”) which has 38,000 followers.

10 6. Defendant, without permission or authorization from Plaintiff, actively
11 copied and displayed the Video on the Accounts to further its business and brand
12 and engaged in this misconduct knowingly and in violation of the United States
13 copyright laws.

14 **PARTIES**

15 7. Plaintiff Reed Timmer is an individual who is a citizen of the State of
16 Colorado and maintains a principal place of business in Jefferson County, Colorado.

17 8. Upon information and belief, defendant Speed Engineering &
18 Performance Corporation, is a California corporation with a principal place of
19 business at 4993 East Dakota Avenue, Fresno in Fresno County, California.

20 **JURISDICTION AND VENUE**

21 9. This Court has subject matter jurisdiction over the federal copyright
22 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

23 10. This Court has personal jurisdiction over Defendant because it
24 maintains its principal place of business in California.

25 11. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does
26 business in this Judicial District and/or because a substantial part of the events or
27 omissions giving rise to the claim occurred in this Judicial District.
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FACTS COMMON TO ALL CLAIMS

A. Plaintiff's Copyright Ownership

12. Plaintiff is a professional videographer by trade who is the legal and rightful owner of certain videos which Plaintiff commercially licenses.

13. Plaintiff has invested significant time and money in building Plaintiff's video portfolio.

14. Plaintiff has obtained active and valid copyright registrations from the United States Copyright Office (the "*USCO*") which cover many of Plaintiff's videos while many others are the subject of pending copyright applications.

15. Plaintiff's videos are original, creative works in which Plaintiff owns protectable copyright interests.

16. On May 28, 2024, Plaintiff first published the Video. A copy of the Video is attached hereto as Exhibit 1.

17. In creating the Video, Plaintiff personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

18. On June 21, 2024, the Video was registered by the USCO under Registration No. PA 2-481-680.

19. Plaintiff created the Video with the intention of it being used commercially and for the purpose of display and/or public distribution.

B. Defendant's Infringing Activity

20. Defendant is the registered owner of the Accounts and is responsible for their content.

21. Defendant is the operator of the Accounts and is responsible for their content.

22. The Accounts are key components of Defendant's popular and lucrative

1 commercial enterprise.

2 23. Upon information and belief, Defendant has not implemented adequate
3 internal policies to verify copyright ownership before content use, indicating a gross
4 negligence in legal compliance, which is essential for a company with Defendant's
5 reach, capabilities, and level of sophistication.

6 24. Upon information and belief, Defendant's internal policies, if any, are
7 either not designed to verify copyright ownership before content use or are
8 systematically ignored, indicating a willful, recurring disregard for copyright
9 compliance.

10 25. Defendant's failure to adopt or effectively enforce internal copyright
11 policies, if any, indicates *de facto* willful infringements.

12 26. On or about June 12, 2024, without permission or authorization from
13 Plaintiff, Defendant volitionally copied and displayed Defendant displayed the
14 Video on Account 1 as part of a social media post at URL:
15 <https://www.instagram.com/speedengineering/reel/C8HvoqMJKjm/>.
16 (“*Infringement 1*”). A copy of a screengrab of Account 1 including the Video is
17 attached hereto as Exhibit 2.

18 27. On or about June 12, 2024, without permission or authorization from
19 Plaintiff, Defendant volitionally copied and displayed Defendant displayed the
20 Video on Account 2 as part of a social media post at URL:
21 <https://www.facebook.com/reel/1406211676753052>. A copy of a screengrab of
22 Account 2 including the Video is attached hereto as Exhibit 2.

23 28. Upon information and belief, the Video was copied and displayed by
24 Defendant without license or permission, thereby infringing on Plaintiff's copyrights
25 in and to the Video (hereinafter the unauthorized uses set forth above is referred to
26 as the “*Infringements*”).

27 29. The Infringements includes a URL (“*Uniform Resource Locator*”) for
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1 a fixed tangible medium of expression that was sufficiently permanent or stable to
2 permit it to be communicated for a period of more than transitory duration and
3 therefore constitutes a specific infringement.

4 30. The Infringements is an exact copy of Plaintiff's original video that was
5 directly copied and displayed by Defendant on the Accounts.

6 31. Upon information and belief, Defendant takes an active and pervasive
7 role in the content posted on its Accounts, including, but not limited to copying,
8 posting, selecting, commenting on and/or displaying images including but not
9 limited to Plaintiff's Video.

10 32. Upon information and belief, the Video was willfully and volitionally
11 posted to the Accounts by Defendant.

12 33. Upon information and belief, Defendant was aware of facts or
13 circumstances from which the determination regarding the Infringements was
14 apparent. Defendant cannot claim that it was not aware of the infringing activities,
15 including the specific Infringements which form the basis of this complaint, since
16 such a claim would amount to only willful blindness to the Infringements on the part
17 of Defendant.

18 34. Upon information and belief, Defendant engaged in the Infringements
19 knowingly and in violation of applicable United States copyright laws.

20 35. Upon information and belief, Defendant has the legal right and ability
21 to control and limit the infringing activities on its Accounts and exercised and/or had
22 the right and ability to exercise such right.

23 36. Upon information and belief, Defendant monitors the content on its
24 Accounts.

25 37. Upon information and belief, Defendant has received a financial benefit
26 directly attributable to the Infringements.

27 38. Upon information and belief, the Infringements increased traffic to the
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Accounts and, in turn, caused Defendant to realize an increase its business revenue.

39. Upon information and belief, a large number of people have viewed the unlawful copy of the Video on the Accounts.

40. Upon information and belief, Defendant at all times had the ability to stop the reproduction and display of Plaintiff's copyrighted material.

41. Defendant's use of the Video harmed the actual market for the Video.

42. Defendant's use of the Video, if widespread, would harm Plaintiff's potential market for the Video.

43. On August 8, 2024, Plaintiff, via counsel, served a letter seeking to address the complaints contained herein concerning Defendant's infringements of Plaintiff's rights-protected work.

44. Thereafter, on September 9, 2024, Plaintiff, via counsel, served a letter seeking to address the complaints contained herein concerning Defendant's infringements of Plaintiff's rights-protected work.

45. Despite Plaintiff's efforts and willingness to address Defendant's infringing activity Defendant failed to respond and Plaintiff was forced to seek judicial intervention for Defendant's infringing activity.

46. Further, despite Plaintiff's notification to Defendant concerning its infringing activity, Defendant continues to infringe on Plaintiff's work on Account 1 thereby establishing the willful nature of its conduct.

47. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.

FIRST COUNT

(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)

48. Plaintiff repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

49. The Video is an original, creative work in which Plaintiff owns a valid

1 copyright.

2 50. The Video is properly registered with the USCO and Plaintiff has
3 complied with all statutory formalities under the Copyright Act and under
4 regulations published by the USCO.

5 51. Plaintiff has not granted Defendant a license or the right to use the
6 Video in any manner, nor has Plaintiff assigned any of its exclusive rights in the
7 copyright to Defendant.

8 52. Without permission or authorization from Plaintiff and in willful
9 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
10 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
11 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
12 copyrights.

13 53. Defendant's reproduction of the Video and display of the Video
14 constitutes willful copyright infringement.

15 54. Upon information and belief, Defendant willfully infringed upon
16 Plaintiff's copyrighted Video in violation of Title 17 of the U.S. Code, in that
17 Defendant used, published, communicated, posted, publicized, and otherwise held
18 out to the public for commercial benefit, Plaintiff's original and unique Video
19 without Plaintiff's consent or authority, by using it on the Accounts.

20 55. As a result of Defendant's violations of Title 17 of the U.S. Code,
21 Plaintiff is entitled to an award of actual damages and disgorgement of all of
22 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
23 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
24 statutory damages against each Defendant for each infringement pursuant to 17
25 U.S.C. § 504(c).

26 56. As a result of the Defendant's violations of Title 17 of the U.S. Code,
27 the court in its discretion may allow the recovery of full costs as well as reasonable
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attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

57. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to injunctive relief to prevent or restrain infringement of Plaintiff's copyright pursuant to 17 U.S.C. § 502.

JURY DEMAND

58. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

That the Court enters a judgment finding that Defendant has infringed on Plaintiff's rights to the Video in violation of 17 U.S.C. §501 *et seq.* and therefore award damages and monetary relief as follows:

- a. finding that Defendant infringed Plaintiff's copyright interest in and to the Video by copying and displaying it without a license or consent;
- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504(b) in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against each Defendant for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

1 DATED: April 9, 2025

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